

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH WARD, et.al.,

Plaintiffs,

VS.

Cecile Young, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission,

Defendant.

[illegible]

CIVIL ACTION NO. 1:16-cv-00917-LY

CLASS ACTION

JOINT MOTION FOR RELIEF FROM ADR

Plaintiffs Joseph Ward, et al. and Defendant Cecile Young, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission respectfully file this Joint Motion for Relief from ADR under Local Rule CV-88(e). In support, the Parties would show:

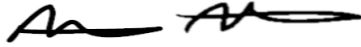
Under Texas Civil Practice and Remedies Code § 111.003(a)(2), “[t]he attorney general or other attorney representing [Texas] may not enter into a settlement of a claim or action against this state without the consent or approval of the legislature in accordance with this chapter if the settlement commits this state to a course of action that in reasonable probability will entail a continuing expenditure of state funds over subsequent state fiscal bienniums.”

The class members in this case are detainees found incompetent to stand trial who are on waitlists for admission to one of Defendant's mental health facilities after being committed for competency restoration services under Texas Code of Criminal Procedure 46B. Because of the number of class members on the waitlists relative to the current available space in Defendant's mental health facilities, the Parties represent that there is no resolution the Parties could agree to

in ADR that would not commit the state to a course of action requiring the expenditure of funds beyond the end of the single biennium.

Accordingly, the Parties jointly move this Court for Relief from the ADR requirement pursuant to Local Rule CV-88(e).

Respectfully submitted,



BETH MITCHELL
State Bar No. 00784613
PETER HOFER
State Bar No. 09777275
DISABILITY RIGHTS TEXAS
2222 West Braker Lane
Austin, Texas 78758
(512) 454-4816 (Phone)
(512) 454-3999 (Fax)
bmitchell@drtx.org
phofer@drtx.org

BRITTANY NORMAN
State Bar No. 24116835
DISABILITY RIGHTS TEXAS
1500 McGowen, Suite 100
Houston, Texas 77004
(713) 974-7691 (Phone)
(713) 974-7695 (Fax)
bnorman@drtx.org

JEFF EDWARDS
State Bar No. 24014406
LISA SNEAD
State Bar No. 24062204
DAVID JAMES
State Bar No. 24092572
PAUL SAMUEL
State Bar No. 24124463
EDWARDS LAW
603 W. 17th St.
Austin, Texas 78701
(512) 623-7727 (Phone)
(512) 623-7729 (Fax)
jeff@edwards-law.com
lisa@edwards-law.com

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil
Litigation

KIMBERLY GDULA
Acting Chief for General Litigation Division



KIMBERLY GDULA
Texas Bar No. 24052209
Acting Chief
WILLIAM D. WASSDORF
Texas Bar No. 24103022
Assistant Attorney General
Office of the Attorney General
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 | FAX: (512) 320-0667
kimberly.gdula@oag.texas.gov
will.wassdorf@oag.texas.gov

ATTORNEYS FOR DEFENDANTS

david@edwards-law.com
paul@edwards-law.com

JOHN MICHAEL GADDIS
State Bar No. 24069747
WINSTON & STRAWN LLP
2121 N. Pearl St., Suite 900
Dallas, Texas 75201
(214) 453-6500 (Phone)
(214) 453-6400 (Fax)
mgaddis@winston.com

ATTORNEYS FOR PLAINTIFFS